

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 6,112,514
Issued : September 5, 2000
Application No. : 09/159,634
Filed : September 24, 1998
For : Fan Noise Reduction From Turbofan Engines Using Adaptive
Herschel-Quincke Tubes

DECLARATION OF MICHAEL E. WHITHAM

I, Michael E. Whitham provide this Declaration in support of the Petition To Accept Delayed Payment of a Maintenance Fee Under 37 C.F.R. § 1.378(b) for U.S. Patent No. 6,112,514.

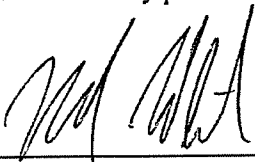
I hereby declare that:

1. I am a U.S. citizen, of legal age, and resident of Reston, Virginia. The statements in this declaration are based on my own personal knowledge and belief.
2. I am an attorney and principal at Whitham, Curtis, Christofferson & Cook P.C. I have been a principal at Whitham, Curtis, Christofferson & Cook P.C., and its predecessor firms (McGuire Woods; Whitham, Curtis & Whitham) for over fifteen years.
3. Whitham, Curtis, Christofferson & Cook P.C. provides legal services to Virginia Tech Intellectual Properties, Inc. ("VTIP") and Whitham, Curtis, Christofferson & Cook P.C. and its predecessor firms have tracked and paid a great many patent maintenance fees (dozens to perhaps a hundred or more) for VTIP patents from about the mid 1990's until 01 May 2008. During that period there was only a single instance of a lapsed VTIP patent for failure to pay a maintenance fee and that was more than five years ago and was cured with the USPTO's grant of an unintentional petition to reinstate. Otherwise, all VTIP patent maintenance fees that were instructed to be paid by Whitham, Curtis, Christofferson & Cook P.C. and its predecessor firms were timely paid and no VTIP patent lapsed for failure to pay a fee instructed to be paid.

4. The first maintenance fee for U.S. Patent No. 6,112,514 was due 05 March 2004 or with payment including a surcharge due by 05 September 2004. The first maintenance fee was paid on or about 05 March 2004. The second maintenance fee for U.S. Patent No. 6,112,514 was due 05 March 2008 or with payment including a surcharge due by 05 September 2008. The USPTO fee records reflect that the second maintenance fee was not paid and as of 05 September 2008 the '514 patent expired. I affirm that we closed our file on the '514 patent as of 01 May 2008 in accordance with instructions from Mark Coburn at VTIP. I have reviewed the files of Whitham, Curtis & Christofferson, P.C. relating to the '514 patent and I confirm that we did not receive instructions from VTIP to pay the second maintenance fee for the '514 patent and, having received no instructions to do so, we did not pay the second maintenance fee for the '514 patent.

5. Pursuant to a request from Mark Coburn at VTIP I reviewed our files of the '514 patent and hereby affirm that no Notice of Patent Expiration was found in our file and no notice of payment coming due for the second maintenance fee for the '514 patent was in our file.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Michael E. Whitham



(date)